



The Docket

Historical Archives

11-1-1995

The Docket, Issue 3, November 1995

Follow this and additional works at: <https://digitalcommons.law.villanova.edu/docket>

Recommended Citation

"The Docket, Issue 3, November 1995" (1995). *The Docket*. 191.
<https://digitalcommons.law.villanova.edu/docket/191>

This 1995-1996 is brought to you for free and open access by the Historical Archives at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in The Docket by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

The Villanova Law Docket

Vol. XXXI, No. 3

The Villanova School of Law

November 3, 1995

Villanova Law School Community Celebrates Red Mass

by Laura Schiller

The Thirty-Ninth Annual Red Mass Celebration was held on October 20th at 7:30pm. In the United States legal community, the tradition of the Red Mass signifies the opening of the October term of the United States Supreme Court. Each year, Supreme Court Justices, legislators and judges celebrate the National Red Mass at St. Matthew's Cathedral in Washington, D.C.

The Villanova Law School's Celebration of the Mass is typically characterized by a beautiful mass followed by an even more beautiful display of food and beverage. This year's celebration was no exception.

Dean Frankino began the celebration summoning all attorneys and law students present to a call for "justice.", Judge Gafni and Professor Gotanda provided the scripture readings for the mass and the Red Mass choir complemented the mass in song. The choir

was conducted by Vince La Monaca and the event was coordinated by the Red Mass Committee made up of Mary Fischer(2L), Vince La Monaca(JD/PHD) and John Murray(3L). The Committee was aided by faculty and support personnel: Donald Gianella, Rev. Shawn Tracey, O.S.A. and Nancy Whalen.

Because the Red Mass is a Villanova Law School tradition, it is important to award a few superlatives from the evening's event:

Best Management of Heavy, Smoky Object: Kim Alfieri(3L) for carrying the incense into the church

Most Frequently Asked Question: Where did you get that shrimp?

Best Variation on Red Mass Attire: Stewart Ingis(2L) for his donning a chef's hat halfway through the reception to complement his suit.

Best Wearing of Red: (tie) Red Mass Choir and the Augustinians(the priests)

Honorable Mention: Women of the Class of '95

Best Wearing of Black: Women of the Class of '96

Best displayed knowledge of Greek: Rev. Art Chappell during his homily at the mass

Most unnecessary OJ reference: Rev. Art Chappell during his homily at the mass

Lowest voice displayed during mass:(tie)

Pat Kalellis(3L) and Unknown Augustinian priest

Most popular couple: Professor Packel and Mrs. Packel (I was asked SIX times if I knew where they were, and I had to direct people to them)

Best event coinciding with Red Mass: The Engagement of John Richards(3L) and Stacy Slattery(3L)

Student Faculty Committee: Update on Progress

by Laura Schiller

The Faculty-Student Committee co-chaired by Janean James and Michael Siegel has worked with the law school to bring various improvements to the law school surroundings. The committee consists of representatives from all student law school organizations who work together to aid and improve the law school experience at Villanova. Several objectives set and accomplished by the committee include:

1) Grade Release dates: The committee wanted to establish greater certainty of grade release dates. The administration posted and met a target date for Spring 1995 grades and will continue to publish goals in the future.

2) Students expressed an interest in seeing more computers for student use. More computers were installed this summer in conjunction with the law library renovations.

3) Computer Orientation for students at the start of the first year. This year a computer orientation session was held during 1L orientation to introduce students to e-mail, the web and other computer capabilities.

4) Requests were made to improve the

safety and cleanliness of the Villanova Septa station platform and surroundings. During the summer, the tunnel under the train tracks was painted, a portion of the train station office was renovated and a concrete sidewalk was constructed improving access to the law school and parking lots.

5) The shortage of library carrels available for student use was remedied in conjunction with the law library renovations to increase the number of available carrels dramatically.

6) Students expressed an interest in having a law school cappuccino bar. There is now cappuccino available in the new coffee vending machine in the cafeteria vending area.

7) Concerns about the quality of the vending machines were voiced and new machines were installed along with a refrigerated machine that dispenses cold sandwiches, yogurt, etc.

Remember, this committee represents you and your concerns, if you have a problem, or feel something has not been addressed, feel free to attend meetings or drop a note to the co-chairs.



Someone You Should Know:

Pat Scully,

Legal Writing Instructor

By Latanier Lemelle Richard

"She's really great!!," - "Putting my conclusion first,, and attempting to be "clear and concise,, - thus, implementing the techniques that Ms. Pat Scully teaches to her students. Pat Scully is the newest addition to Villanova's legal writing team. She replaces Becky Connelly. Ms. Scully worked for the United States Customs Service for 16 years before coming to Villanova. When asked what she likes most about Villanova, she immediately replies, "the

students,," Ms. Scully is a graduate of DePaul University School of Law. She says that she loves teaching and that the faculty and staff at Villanova have been great in helping her make the transition from the windy city of Chicago, where she is a native, to suburban Philadelphia. She believes that being able to write effectively is very important in the legal arena because most attorneys write, in some form or another, on a daily basis. Pat Scully is definitely "someone you should know,,!!!

The Villanova Law Docket
Villanova Law School
Villanova, PA 19085

U.S. POSTAGE
PAID
Villanova, PA
Permit No. 5

Non-Profit Organization

Student Bar Association Minutes

Reported by
STUDENT BAR ASSOCIATION
Minutes:
October 23, 1995
Members present:

Holli Sands, Ray Walheim, John Scheib, Keith Forkin, Elizabeth Drey, Melissa Wojtylak, Andrew Monkemeyer, Marissa Portillo, Lisa Nobile, Jennifer Auerbach, Cathleen Kelly, Jon Spadt, John Richards, Sean Bellew, Teresa Reid, Mike Mullen, William Linero, Sherri Affrunti

** Roll call.
** Jon Spadt gave the budget report.
** Sherri summarized what happened at

the October 14th ABA Convention in New York. January 27 is "Work-a-Day," and the theme is "Children." ABA/SBA will be planning something for that date.

** There is an Editor position on the Student Lawyer (ABA publication). Only 1L and 2L's may apply. Applications are due February 1, 1996. See Sherri Affrunti for more details.

** There will be an Outlining Information Session on Thursday, November 2 at 3:30 in Room 101. SBA voted unanimously to have Jon Spadt moderate and have these 4 speakers: Christine Vigliotti, Bryant Lim, John Scheib and Bill Morrissey. 1L's will make announcements in class.

** Thank you to Melissa Wojtylak for a

great job on the First Year Brunch. A thank you also to Professor Lanctot for an awesome speech.

** Law School night out at the Hungry Town Tavern (previously Mason Jar) on October 26th! \$1 pints. Directions are in the SBA Office (Room 34).

** Blooddrive on November 16 in St. Mary's Gym. See Carlos Guzman.

** There will be a clothes collection for Laurel House sponsored by the St. Thomas More Society. The collection will be in the SBA Office (Room 34).

** Barrister's Ball update.

** SBA unanimously voted to supplement the Student Phone Directory. This Supplement will include faculty and other

relevant numbers.

** Photo Directory will be available in a month and a half.

** TG planned for November 3, 3:30. Marissa, Cathleen and Melissa are in charge.

** Villanova Law sweatshirts, t-shirts, boxers and keychains are still on sale. See an SBA representative or officer to purchase any items. Great Christmas presents!

** CONGRATULATIONS TO JOHN RICHARDS AND STACY SLATTERY ON THEIR ENGAGEMENT! We'll be waiting for the reimbursement check for your engagement/Red Mass party. :)

** SBA MEETING TIME: TUESDAYS 4:00 IN THE FISHBOWL

In the News by Jean Dorton

... And The Barnes goes on ... The Barnes Foundation is in the process of making plans to celebrate its reopening on November 11th of this year. Simultaneously, the trustees are appealing Judge Stanley Ott's ruling of the Montgomery County Orphan's Court prohibiting the event pursuant to Barnes' indenture. The foundation's apparent belief that the ruling will be reversed may not be as presumptuous as it at first appears.

On May 17, 1995, the Superior Court of Pennsylvania reversed Judge Ott's prior ruling against a petition for an extension of the art collection's tour to include Haus der Kunst

museum in Munich. Judge Ott cited concerns for the collection's well being and the sufficiency of the revenues already raised for the purpose of restoring the foundation's buildings. The Superior Court granted the extension without receipt of the lower court's written record and within 48 hours of the foundation's appeal. The Pennsylvania Supreme Court declined to review the Superior Court's decision.

In a related proceeding, Lower Merion Township is considering an application for the construction of a 75 car parking lot on Barnes' Foundation grounds. Montgomery County

ruled in September to allow an increase in public access to the exhibit to three and one-half days per week in response to the trustee's request for an increase from two and one-half to six days per week. Local residents fear a loss of privacy to tourism and for the natural beauty of the land.

Dr. Albert C. Barnes died in 1951 leaving an estate worth millions derived from his patent for Argyrol, a pharmaceutical drug. The last of the original trustees of the art collection, Violette de Mazia, died in 1988. After her death, control of the trust passed under Barnes' indenture to Lincoln College.

Richard H. Glanton, Lincoln's general counsel, became and has remained president of the trust since 1990. Under Glanton's management, Barnes' intent for his foundation has been repeatedly called into question and is fast fading into all but oblivion.

The Barnes collection was to be used principally for the education of art students. Under Barnes' indenture the paintings were not to be moved, leased, or sold. Glanton suggested selling some of them and petitioned the court for an allowance, but withdrew it in response to extensive criticism. Instead, he
(Continued on page 5)

First Year Review Lectures !

Nov. 2 First Year Property by Paula Franzese - FREE TO ALL STUDENTS

Nov. 9 First Year Civil Procedure by Richard Freer - BAR/BRI Students only

Nov. 30 First Year Contracts by Michael Spak - BAR/BRI Students only

All Lectures are held in John Barry Hall - Room 211, from 4:00 pm - 8:00 pm.

First Year Torts by Richard Conviser is also available on audiotape for BAR/BRI students.

*****Special LIVE Presentation*****
How to Ace Your First Year Exams
by Charles Whitebread

Thursday, November 16 at 4:00 pm in Bartley Hall Room 110

Pizza Reception !

FREE Copies of Whitebread's book "Success in Law School" available to BAR/BRI students at the lecture !

ALL STUDENTS INVITED !

Pennsylvania
barbri
BAR REVIEW

(215) 563 - 4988
(800) 452 - 7277

FORUM

DOCKET EDITORIAL

by Rich McGuire

To the Villanova Law Community,

Well, everyone, the phone directories are out and about. And, as per the norm, the Law School seems to have a few extra students again. For example, I don't think I saw "Phillip McKrevise" in Legal Profession today. Certainly, "Jack Meihoff" never was called on in Corporations. (Should I feel strange that both these names share a page with a certain editor-in-chief?) Any way, I think I can understand why people want to put phoney names in the phonebook. Because I did it too.

If you flip to the "B's", you'll notice a 1L names James J. Bullock. Our esteemed colleague lives at 9 Center Square, Hollywood, CA. In case anyone missed the joke, that's Jim J. Bullock, "Monroe" of "Too Close for Comfort" fame and also the center square on "Hollywood Squares" for a time. He is not a 1L at Villanova Law School. His zip code is not 90210. There is no, to my knowledge, any 171 area code. And if I had that phone number, I don't know to whom I would turn.

So what's the point here? Beats me. Maybe it's just that if you put a big box and tell people to fill things out, stuff like this will slip in. You can't blame Dr. Drey; we share office space, and the SBA works hard enough without having to deal with us "mischievous folk." If you really care about this, do it by email, so no one can fake names (unless they're REALLY good.) Maybe, my point is that it really ain't that bad. Certainly no where near as bad as writing all over an organization's computer screen.

THE VILLANOVA
LAW DOCKETEditor in Chief
Richard P. McGuireNews Editor
Mark MooreColumns Editor
David KweeFeatures Editor
Jennifer ReimelSports Editor
George TsakatirasBusiness Editor
Karen StoneAssociate Editor
J. Bartholemew Arsenault

Staff:

Jennifer Prince, Sean Porter, Caren Grolusky, Robin Longaker, Rachelle Popowitz, Laura Schiller, Jean Dorton, Scott Kleeman, John Murray

The Villanova Law Docket is published on the first Friday of every month by the students of Villanova University School of Law, Villanova, PA 19085. Letters and articles are welcome from students, faculty, alumni, and the community. Paid advertisements are also accepted. The Villanova Law Docket is distributed free to all current students, faculty and administrators. Alumni who wish to receive the Villanova Law Docket should notify The Villanova Law Docket at the above address. The opinions expressed herein are solely those of the writers and do not necessarily reflect those of the Docket editors and staff or the Villanova University School of Law.

Faculty Advisor
Prof. John Cannon

Dave's Corner by David F. Kwee

There is a trap that one can easily fall into, being in law school. Always having to study, outline, research, brief cases, can really consume your time, and you. It is not entirely inconceivable that reading case opinions written two hundred years ago by the King's Bench in England, may make you forget about what is happening to the world around you, to your world. The pressures in law school are very real, and potentially very devastating. Briefing, memo-writing, and endless hours of outlining may indeed isolate you more from the rest of your world. Even when one does find time to get away from studies, it may be merely to engage in that timeless pursuit of drinking the ol' ale; not feeling good until the bottom of the keg is clearly visible. However, let us not forget about what the late nineteenth century musicians had in mind (apart from drinking). This period of western musical history is appropriately called the Romantic period. It pained the composer Schubert to see so many musicians being concerned with self-advancement; his art meant everything to him, and he wrote music to express himself, because he loved music.

Most of you have loved ones at home. Your parents really do love you. Give them a call. They brought you into the world, and couldn't be prouder of you. Some of you are married, or have significant others. Spend some time with them on the weekend. There

is more to life than studying. This life here at the law school can be tough on loved ones. My girlfriend lives in North Jersey, about two hours from where I live. I don't get to see her every week, and when I do, I think about my Monday Civil Procedure reading assignment, and the outlines I haven't done. I try to spend quality time with her. We have been going out for four years, and law school will not get in the way of that. Some professors have said that it is going to get worse, for all you first years out there. Don't forget about the people that care about you, and the people you meet. The grades you get here at school, will of course help you a great deal in the future. They will not cure loneliness and isolation. It is important that hard work and dedication, does not turn into single minded ambition, where one has to succeed at all costs, at the expense of others. Make that call. Have dinner together. It doesn't take much. They understand all the work you have to do.

The great blues legend, Robert Johnson, who recorded (c 1932) what may have been the most significant set of tunes in modern music, never got to enjoy the financial fruits of his labor. His immortal music influenced almost every form of modern music, from the basic 12-bar rock n' roll of Chuck Berry, to the grinding riffs of Van Halen, to the sweet acoustic jazz of saxophonist Charlie Parker, to the soft electric wailing sound of jazz guitarist

Stanley Jordan. Robert Johnson touched many people with his songs, and influenced countless other musicians. Music is one of those things where ability is not quantifiable. Surely financial success is not the sole measure of a musician's ability. In fact most fields do not have a clear measure of ability and success, law included. Grades might get you the pick of the jobs, the padded resume, the attractive salary. Some will call you successful, and respect you, for earning a lot of money, for climbing that corporate ladder in record time. I would be lying, if I didn't say, that I too would like to have a big salary, and respect. What is really important, however is not always the big job with the big salary. Neither should everyone run out and try to save the world, and help all their fellow citizens, and colleagues. A great leader once said that if you are a street sweeper, be the best sweet sweeper you can be. Most of you, including me, will probably have certain expectations of the future. It is easy to get preoccupied with something, and forget to do the little things. It may work to focus on one thing only in the short run, but in the long run one may question one self why exactly we do what we do. If you don't forget to make time for other things - by spending time with your spouse, girlfriend/boyfriend, or friends - maybe this law school thing will be a little more bearable.

Words of Wisdom, by
Mark J. Moore, News EditorGREETINGS TO THE VLS
COMMUNITY....

"Ask not what the Docket can do for you, but what you can do for the Docket..."

Kind of profound, huh? I thought so. These are but a few of the gems of wisdom I came up with as I was sitting at home. After taking over as the news editor of the Docket, I began to brainstorm and come up with some ideas. In thinking about how the Docket could reach more students, I figured: "We can reach more students, if more students get involved..." The more I thought about it, the more I realized just how truly brilliant that thought was. That's usually the way it happens with my brainstormers....

All kidding aside, however, we here at the Docket want and need your help in order to make our law school newspaper the best it can be. Our staff here is small, but our task is immense, and to better serve you, we need your eyes, your ears, and your talents. If you can write, come check us out. If you can take pictures, come check us out. If you can draw, come check us out. Whatever talents you may have, we can find some way to utilize them for the Docket.

At the outset, let me say that I understand extra time is hard to come by for most of us. For us first-year students, there seemingly is no free time. If we're not studying, we're in class, or vice versa. For second and third-year students, things are not much better. At the same time, everyone needs an outlet to just relax and chill. For some, writing short stories or poetry serves that purpose. For others, photography and art serve as ways to release energy. If you are one of these folks, come talk to us.

As a community newspaper, we depend upon the VLS community to tell us what's

happening. We'd like to know what you feel is important, or if there's some hot news item you think might make a great story.

Let me hasten to add a few things, however. Please keep in mind that we are NOT the "National Enquirer," or the "Star." While we are interested in "hot news tips," some things just aren't newsworthy (at least not here!), which is why we reserve the right to print, edit and publish stories at our discretion. There is a fine line between "hot news," and "gossip," and our news section is not a rumor mill. In covering the news, we will try to do so as professionally and as objectively as possible, and we will not flinch from that responsibility. I just wanted to make that clear before folks come running to our news department with story ideas like....

* so-and-so's new romance in section A

* how so-and-so doesn't like their mailbox number, or

* why shrimp isn't served at the TG's

(Come to think of it, why ISN'T shrimp served at the TG's? I'll make a note to check that out...)

In all seriousness, though, the Docket is here to serve you. It is your pipeline to news and information you can use, and we hope you utilize it as such. (Now, if I happen to get fired as news editor, or if I'm forced to resign due to some scandal or something like that, PLEASE forget all of that corny testimonial junk I just said, O.K.?)

That aside, keep on reading the Docket. Until next issue.....Peace!

Letters
to the
Editor:

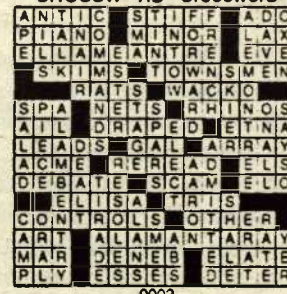
To the Editor:

Re: The Great Cake Robbery by Sean Porter. (ed. note: see last issue.) Mr. Porter certainly has a light touch.

Signed,
John Hyson

Answers to CrossWord on Page 6.

CROSSWORD Crossword



All pieces for the forum section of the next Docket must be turned into the Docket Mailbox by Wednesday, October 25, 1995, no later than 5:00 p.m. Each letter must contain the name, address and phone number of the author and must be typed, or preferably, on disk. The Docket reserves the right to refuse any piece based on size, and requests that all pieces not exceed five double spaced, typed pages. Any questions regarding the policies or any other information regarding the forum section can be answered by contacting an editor of the Docket staff.

Know the Score.

The Number of Students each course has prepared for the full
Pennsylvania Bar Exam:

BAR/BRI
30,000+

**All Other
Courses Combined**
0

Over the past 20 years, the Pennsylvania Bar Exam has undergone several major changes. We've successfully prepared students through them all. How? We know what works.

Proven Success.



**2100 Arch Street, 5th Floor
Philadelphia, PA 19103
(800)452-PASS (800)452-7277**

Your Final Exam - The MBE: An Intro to the Multistate Bar Exam

by Dale G. Larrimore

If you are planning on practicing law in Pennsylvania, Delaware or New York, chances are good that the Multistate Bar Exam (MBE) will be the last examination that you will ever have to take. Sounds like good news. But the bad news is that this is a killer examination. Most students who pass the bar exam still describe the MBE as the toughest test that they have ever taken. So what is the Multistate Exam and why does it have such a bad guy reputation?

The "1994 MBE Statistics," published in the May 1995 issue of the Bar Examiner, reveal that 61,394 applicants took the two multistate bar exams given in 1994, with over 4,500 of those applicants from Pennsylvania. The MBE is given nationwide on the last Wednesday in February and July, as part of the bar exam of every state but Indiana, Iowa, Louisiana and the state of Washington. It is the last day of the bar exam in Pennsylvania, although it is the first day of the exam in New Jersey. The MBE is a 200 question multiple choice test, with 40 questions each in Contracts and Torts and 30 questions each in Constitutional Law, Criminal Law, Evidence and Real Property. The MBE tests on Sales as part of Contracts, Criminal Procedure as part of Crim Law, and on the Federal Rules of Evidence. The exam is administered by the National Conference of Bar Examiners (NCBE) and questions in each subject area are drafted by six national Drafting Committees of law school professors and legal practitioners. Each committee is responsible for one subject, with the result that each single question is confined to one subject area. The MBE covers majority rule principles, and the NCBE does let us know the general areas of law covered in each subject area.

Candidates have six hours to complete the 200 question exam, an average of 108 seconds per question. In spite of belief to the contrary

by those taking the exam, the National Conference of Bar Examiners reports that research has shown that the time allotted to take the MBE is sufficient for 99 percent of applicants, with the rate of correct responses at the end of a three-hour session not significantly different from the rate of correct answers at earlier points in the test. [See Klein, Stephen P., "On Testing," The Bar Examiners' Handbook, 3rd Edition, National Conference of Bar Examiners, p. 30:507, (1991)].

An applicant's raw score is the number correct out of 200, but the meaningful score is the scaled score, produced by an statistical procedure involving utilization of repeating items from prior exams. By use of this procedure, scaled scores are statistically stable from year to year. The National Conference of Bar Examiners publishes annual statistics about the MBE in the Bar Examiner, and those figures indicate that the national mean scaled score for the July exam has remained between 141.1 and 145.2. In July 1994, fifteen points were added to a mean raw score of 130, to achieve a mean scaled score of 145. To pass the Pennsylvania exam, applicants must now obtain a minimum scaled score on the MBE of 135.

The MBE is a test not just of memorization of substantive legal principles, but also of reading comprehension and legal reasoning skills. Time management during the exam is critical to success. Questions take a variety of forms, and applicants can expect to see questions asking for the best (or worst) answer among four close choices. Some questions will provide case squibs, which applicants must apply as precedents to decide other fact patterns. Others will provide the result, but ask for the best legal justification. The most popular format is the dichotomy question where two answer choices hold one way and two the other, and the candidate must select the correct or best reasoning to find the

winning answer.

Research on the MBE reveals a strong correlation between performance on this exam and other measures of legal skills and knowledge, such as essay scores or law school performance. [See Klein, Stephen P., Summary of Research on the Multistate Bar Examination, National Conference of Bar Examiners (1993).] Prior to being included in an actual exam, every question is reviewed at multiple levels, by the Drafting Committee, but also by psychometric experts to insure that it is fair and unbiased, by practitioner members of the MBE Policy Committee and their academic consultants, and by members of Boards of Bar Examiners across the country. After administration of an MBE, any question that performs in an inconsistent manner (where it is missed by many applicants who performed well on the remainder of the exam) is flagged and re-reviewed to insure no ambiguity. If an error is detected, two or more answers may be deemed correct in order to insure that no applicant is placed at a disadvantage. [See "Myths and Facts About the Multistate Bar Examination," 64 Bar Examiner 1, 18 (Feb. 1995)].

The Multistate Bar Exam is but one part of the bar examination in every jurisdiction in which it is administered. All states also require an essay exam, which usually tests on state specific law in numerous additional subject areas. In Pennsylvania the essay portion of the bar exam is always given on the Tuesday before the MBE.

Among bar exam experts, the MBE is widely recognized as an important component of the testing process, offering an opportunity for a breadth of coverage of subject areas which could not be duplicated using only essay questions. The MBE provides an important element of objectivity and continuity from exam to exam, putting each year's candidates on a level playing field with those taking the

exam at other times. In contrast, essay questions have an inherent variability from exam to exam, with variations in the difficulty of the questions themselves and in the subjective grading process.

Pennsylvania was one of the first major states to adopt the MBE in the bar exam process. We have used this exam continually since 1972, even though there have been numerous changes in the essay portion of our bar exam during this same time period. Prior to 1995, applicants automatically passed the bar in Pennsylvania by obtaining an MBE scaled score of 135. Candidates who failed to achieve that score could still pass by having a combined score (averaging essay and MBE scores) of 129.

In 1995, however, the Board of Law Examiners altered the playing field, by making major changes in the passing requirements. Candidates taking the Pennsylvania Bar Examination must now achieve a minimum score of 135 on the MBE to pass the bar exam. Additionally, students must now obtain a minimum score of 135 on the essay portion of the exam and applicants are not permitted to bring up a low score on one part of the exam with a high score on the other. To pass the Pennsylvania bar, applicants must have a 135 on each portion of the exam.

Success on the Multistate Bar Examination requires study, review and practice. But with effort, students can do it once, do it right, and never have to do it again. This can be your final exam.

-Dale Larrimore graduated from Villanova Law School and practices law in Philadelphia, as the senior partner of Deutsch, Larrimore & Farnish. He has also been the Director of BAR/BRI of Pennsylvania since 1976. He has researched and written extensively about bar examinations, and has helped over 30,000 candidates prepare for the bar exam in Pennsylvania & New Jersey.

Columns



Hey everyone!!!!

Is your organization doing something?

Do you want people to come?

**CONTACT KAREN STONE, BUSINESS
MANAGER OF THE DOCKET FOR
ADVERTISING INFORMATION. P-MAIL
KSTONE**

Do you want people to know what you did?

**CONTACT MARK MOORE, NEWS EDITOR OF
THE DOCKET FOR COVERAGE OF NEWS-
WORTHY EVENTS. P-MAIL MMOORE**

GET KNOWN!!!!

Your Horoscope



by Rachelle L. Popowitz

Scorpio (October 23-November 22):

In this Thanksgiving month, be grateful that your classmates forgot your obnoxious behavior at the Red Mass Reception. Quit flogging yourself. Also, don't resort to the past punishment of stoning.

Sagittarius (November 23-December 21):

The alignment of the stars increases your attractiveness to the opposite sex this month. Time to take some initiative and drop a textbook on that special someone's foot. As he/she writhes in pain, dazzle them with your Jeopardy-acquired knowledge.

Capricorn (December 22-January 19):

A recent addiction to cappuccino (or any other hot caffeine beverage) could be your downfall this month. Unhealthy signs of an addiction: finding yourself caressing the Folgers machine in the cafeteria and harassing the local Wa Wa worker for just one more.

Aquarius (January 20-February 19):

Get in touch with your creative spirit and build something with the empty boxes of high lighters you have acquired this semester. Idea: your future car after your debt-induced graduation (Pintos aren't very big, either.)

Pisces (February 20-March 20):

As the crimson and golden leaves of the Villanova area fall to the ground, so too does

your motivation for studying. Recharge by finding an extracurricular activity. Start a write in protest of the new Blue M&M's.

Aries (March 21-April 20):

A disappointment causes you to take an objective view of life. Before you downspiral into the abyss of existential angst, keep in mind that life does not resemble a 'Friends' episode. It's O.K. if your hair resembles Ross' pet monkey (Marcel) more than Rachel's on certain days.

Taurus (April 21-May 20):

In order to budget your time more wisely, you need to increase your self-discipline. Is it necessary to play E-mail 'tag' with your friends in the computer lab or beat all those female players in Hearts?

Gemini (May 21-June 20):

Your ambitious nature spurs you to begin your summer job search. Keep open other possibilities if that law-related job doesn't come through. There's a large market for Judge Ito impersonators or subjecting yourself to scientific research helps society as well.

Cancer (June 21-July 22):

If the stress of a family holiday begins to work on your nerves, use your acquired torts knowledge to try to ascertain the legal ramifications of physically and/or verbally

abusing a loved one. This activity can take up large amounts of time. (Ex. Yelling 'You stink to me!' and throwing a substantial piece of hard turkey would constitute a....?)

Leo (July 23-August 22):

Don't let your outline obsession ruin your Thanksgiving Holiday. Bask in the warmth of family and indulge in gluttony before Exam Hell begins.

Virgo (August 23-September 22):

Jenny Craig should be your colleague this month or else Richard Simmons will surprise you next month with a personal visit. Unless you have an affinity for dangerously high neon shorts and deal-a-meal plans, consult the Sports bulletin board to get in shape.

Libra (September 23-October 22):

If you're feeling uncertain about your career choice, E.R. may be too much a factor in your life. Quit trying to decipher those medical terms and put your nose where it belongs- in Black's Law Dictionary.

IN THE NEWS

(Continued From Page 2)

pursued revenues (to recondition the Barnes' buildings) from exhibition of the collection. In July of 1992, Judge Stefan (Judge Ott's predecessor) of the Montgomery County

Orphan's Court granted permission for the tour of the paintings under a one time limited deviation from the indenture. He reasoned Barnes' objectives were inconsistent in specifying that the buildings be maintained while the art remained in place.

Were Barnes' objectives necessarily inconsistent? Did the buildings need to be refurbished and did the collection have to travel on exhibit in order to generate revenues to restore the buildings? Has the tour in fact proven to be a one time deviation from the indenture, or the first in a series of deviations? The answers to these questions will depend largely upon the respondent. Critics abound, as do supporters.

Argument in support of the trustees is that the use specified by Barnes was inefficient and deprived the world of his wonderful resource. It is unquestionable that the trustees have made better economic use of the art collection; however, Barnes' societal contributions earned him the wealth to purchase the paintings and the right to devise them as he pleased.

As a first year student, I am limited in my knowledge of the applicable law. It appears to me that a concept from contracts is at issue. Upon breach of contract, the breaching party cannot create a defense by arguing that the result of the breach is economically superior to that which was contracted for. If it is clear to the court that the contract was made with purposeful intent of a specific result, the plaintiff is entitled to the bargained for exchange.

The fact that this precept has obviously not been applied to Barnes' indenture is cause for concern to all who may have such a treasure to bequeath, and to all who may conceivably benefit from such a gift. Members of the art community are concerned about the effect that the Barnes' spectacle may have on future proposed foundations. The collection has become a money maker; monies obtained from the tour must be held in an account to be audited by the court. Apprehension remains despite this proscribed constraint and has spawned the establishment of such organizations as Barnes Watch.

(Sources: The National Law Journal, July 3, 1995 v. 17 n 44 PA 1 col 2 (66 col in.) by Lawrence Osborne; The Philadelphia Inquirer, October 13, 1995, by Leonard W. Boasberg; The Philadelphia Inquirer, October 23, 1995, by Kyle York Spencer.)

Features

The World Wide WHAT???

by Scott Kleeman

Lately, if you listen to pretty much anyone's conversation they are talking about "Surfing the Net...". What does this mean and how does it effect me? Okay, so your not a techie, a trekie or even remotely thinking of getting on-line instead of in line at the latest REM concert. But a quick look at what the Net is and what it has to offer, may change your mind.

To begin, here is a quick and simple definition: The Net or the Internet is nothing more than a world-wide network of computers that is accessible to pretty much anyone with a computer and a modem. Now, someone who wears a pocket protector and sits home alone on a Friday night watching Star Trek: The Geriatric Generation, gets all hot and bothered imagining the possibilities. But honestly folks, the Internet is for you too.

Did you know that you can find information

Have a beef you want to tell the Law School community about? Write a Letter to the Editor. Policy for letters to the editor can be found on page 3 of this issue.

on just about anything? Go ahead, think of a topic and I'll bet you that you can find it on the Net. Whether you are interested in music, movies, art, cooking, travel, sports, news and politics and yes even Star Trek, there is an Internet site or Web Page waiting. I'm sure that your all salivating and can't wait to get on the Net to find out what happened on episode number 15 on The Brady Bunch or who this month's Playboy centerfold is, so here is how to get on-line.

What you'll need to connect to the Net:

Aside from the obvious items like a computer (either a Mac or a PC will do), you will need at least a 9600 baud modem, but preferably a 14.4 baud modem; anything slower and you will not be able to fully enjoy surfing the Net.

The next is a subscription with a local Internet provider. It is possible to surf the Net using America On-Line, Prodigy or Compuserve. These services offer more than just Internet connections with on-line forums, encyclopedias, dictionaries, news, and other goodies; but why buy a Rolls Royce when all you really need is something to get you to school and back. These services, while providing the end user (that's you) with a lot

of stuff, can be really expensive: Why not go with a local provider? A local provider will cost between \$15 and \$30 per month (depending on the type of account) with unlimited access through a local dial-up phone number. This means all

that you pay is the monthly fee and that's it.

The next item is the glue that holds all of the pieces together: software!! Most local providers will either provide or recommend the type of software that works best with their connection. One such provider is VoiceNet, who will give you a whole suite of software including software for e-mail, FTP (File Transfer Protocol), and a World Wide Web browser like Netscape or Mosaic. One great shareware program is Eudora from Qualcomm, Incorporated.

The absolute last item you will need is the most important: some imagination. The more creative you are, the more neat and interesting stuff you'll find in cyberspace. Before you know it you will be zipping around the world at lightning speed, sending e-mail to someone

How Does it All Work?

I'm glad you asked. Once you have all of the above pieces you will be ready to surf. The local provider really gives the key to unlock the net. This dial-up connection lets you receive e-mail, download files and browse the World Wide Web. Just to make sure that everyone knows what's going on here, I will define a few things.

E-mail or electronic mail, will probably be the most used piece of the Net. With e-mail you can talk to people all around the world without ever buying a stamp or getting a paper cut on you tongue (ouch!!).

World Wide Web or WWW, is a way to graphically surf the net: The Web, as most people call it, links documents together across the world. Information that you will see on your computer screen is linked to other information and is accessible by just clicking your mouse on a word or a graphic. In fact, the Web is probably now the most popular and easiest way to surf the Net. In order to access the Web you will need a program such as Netscape or Mosaic. These programs known

as Web Browsers, allow the user to view different Web Pages around the world. So if you wanted to, you could find VLS' Web page with various law related topics (and Ken Mortensen's photograph), in addition to links to other law related Web sites all over the world. Further, the Web allows you to download software and text files by simply clicking on text or graphics on your screen; a much easier way to download stuff than FTPing it.

Finally, FTP or File Transfer Protocol is a way to download text, graphics, and software on the Net. This way is pretty straightforward, but not nearly as easy as using the WWW. With an FTP program you connect to a particular server and enter commands to download a file.

The End Result

There is seemingly an endless amount of information and entertainment available for everyone. If you are interested, this is a taste of what's needed to get onto the Net. However, the best way to find out about the Net is to get on and try it for yourself. If you want a full list of local providers, some need Web sites or need further information feel free to e-mail me at: scottmk@solsys.com.

A Few Related Resources:

Local Internet Providers

VoiceNet
Phone: 1800-835-5710

FishNet
Phone: (610) 337-9994

Global Enterprise
Phone: 1800-358-4437 ext. 7325

Some Light Reading:

The Internet Companion by Tracy LaQuey.

CROSSWORD® Crossword

Edited by Stan Chess

Puzzle Created by Richard Silvestri

ACROSS

- 1 Monkeyshine
- 6 Withhold the tip
- 11 Bother
- 14 Domino plays it
- 15 Bush-league
- 16 Over-permissive
- 17 Why did Fitzgerald sing "mi," Holmes?
- 19 Mr. Adams and ____ ('50s TV show)
- 20 Gives the once-over
- 21 Villagers
- 23 Sium problem
- 25 Nuts
- 26 Workout spot
- 29 Jersey bouncers?
- 31 Zoo attractions
- 34 Feel lousy
- 35 Stretched out loosely
- 37 Alcohol burner
- 38 Featured players

DOWN

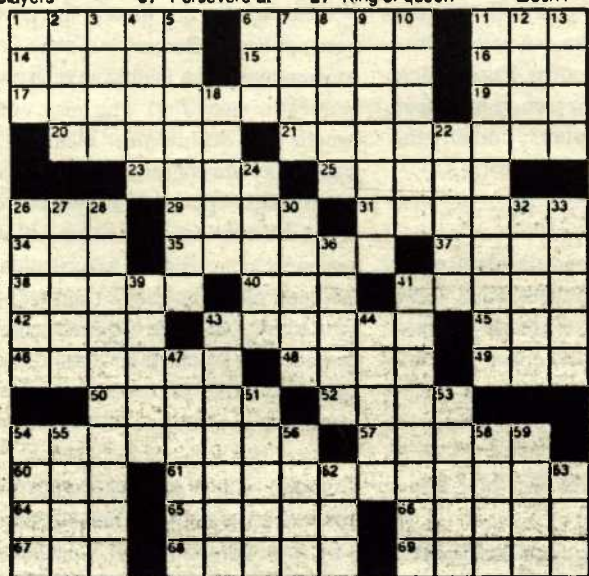
- 40 ____ Friday
- 41 Imposing group
- 42 No plus ultra
- 43 Go back to page one
- 45 Lines overhead
- 46 Pre-election event
- 48 Ponzi scheme, e.g.
- 49 "Hold on Tight" band
- 50 "I Still See ____" (Paint Your Wagon tune)
- 52 Speaker of diamond fame
- 54 Holds in check
- 57 Different
- 60 Gallery display
- 61 Is this in the style of a devilfish, Holmes?
- 64 Spanish sea
- 65 Star in Cygnus
- 66 Raise the spirits
- 67 Persevere at

ACROSS

- 1 Monkeyshine
- 6 Withhold the tip
- 11 Bother
- 14 Domino plays it
- 15 Bush-league
- 16 Over-permissive
- 17 Why did Fitzgerald sing "mi," Holmes?
- 19 Mr. Adams and ____ ('50s TV show)
- 20 Gives the once-over
- 21 Villagers
- 23 Sium problem
- 25 Nuts
- 26 Workout spot
- 29 Jersey bouncers?
- 31 Zoo attractions
- 34 Feel lousy
- 35 Stretched out loosely
- 37 Alcohol burner
- 38 Featured players

DOWN

- 40 ____ Friday
- 41 Imposing group
- 42 No plus ultra
- 43 Go back to page one
- 45 Lines overhead
- 46 Pre-election event
- 48 Ponzi scheme, e.g.
- 49 "Hold on Tight" band
- 50 "I Still See ____" (Paint Your Wagon tune)
- 52 Speaker of diamond fame
- 54 Holds in check
- 57 Different
- 60 Gallery display
- 61 Is this in the style of a devilfish, Holmes?
- 64 Spanish sea
- 65 Star in Cygnus
- 66 Raise the spirits
- 67 Persevere at



Answers to the cross word are on page 3.

Clothing Collection!

Please donate your unwanted but usable clothing and accessories: both light and heavy clothing may be donated -- this is a great opportunity to clear out closet space!

This collection is to benefit The Laurel House, a local shelter for battered women and their children.

Please place items in or around the blue container in the SBA Office; thank you for your support!

Sponsored by the St. Thomas Moore Society.

Features/Entertainment

Bradley's New Band

by George R. Tsakataras

Stressed? Need relief from loud, obnoxious



Judi McLane at the Orientation TG.

bar bands? Check out Judi McLane, an acoustic trio, featuring the vocal harmonies of Judi and Jen McLane and VLS's own Chris Bradley on acoustic guitar. Judi McLane (who, like Nelson and Ozzy Osbourne before them, employ the name of the lead singer(s) as a band name) combine the vintage classic acoustic sound with recent alternative music and exquisite harmonies to produce a thick layer of sound that can now be heard throughout the Philadelphia area.

By choosing an eclectic mix of "alternative," cover songs, Judi McLane has managed to maintain the primary positive of a cover band - general listener familiarity with material, while eliminating the main drawback - playing hackneyed, overplayed radio and acoustic standards. The combination of the familiar and the obscure makes Judi Nelson worth seeing for anyone from the occasional radio listener to the most knowledgeable music fan. Bradley attributes this combination to one simple fact - Judi McLane play what they like. Judi McLane's goal as a group is not for people to know every song. It is not to play covers that sound right off the record. Even familiar songs are often played at different tempos with liberal substitution of Bradley's guitar for keyboards or any other instrument originally used. The net effect is a sound that accents clean female vocals and harmonies.

The sounds you hear one night, the band promises, are also not the same sounds you'll hear again. Judi McLane does not use set lists. Unlike many cover bands that are a live version of the top 40, the band is deliberately anti-radio. As Bradley correctly pointed out, "We are not a DJ or a jukebox." What you can expect to hear is predominantly recent music with an emphasis on vocals and harmonies. Judi McLane frequently covers music by the Indigo Girls, Shawn Colvin, the Sundays, the Smiths, REM, and Lenny Kravitz.

Law School type reaction has been strong. Recent graduate John Deneen, who compares the general style of the trio to the Indigo Girls said, "they are excellent . . . with a distinctive sound. The McLanes are the two sweetest-

sisters you'd ever want to meet." 2L Kathleen Snyder was more lavish in her praise, exclaiming they were, "Better than Cats! I just wish they played more Hootie and the Blowfish." Finally, 2L Mark O'Brien coyly stated, "If Ric Okasek landed Paulina, then Bradley will be set." Hmm.

Speaking of Bradley, as some of you may know, this is not his initial experience in a band. He is still a member of the L.A. band Mindtribe that just completed an independent CD due to come out in a month or so. Many readers may remember Bradley's more recent band, Eden, from the last year or so. Chris tells me they are between singers and temporarily on hold. For now the focus is on Judi McLane.

The future of Judi McLane, Bradley says, is to keep playing, building up a fan base and eventually to play more originals and add some pieces to the group i.e. "drums, bass, maybe even some flutes and violins." The immediate future of the band is to continue their regular schedule of area engagements. In general, the band alternates between the downtown Philadelphia, Manayunk, and around the Main Line, playing each area once every three to four weeks. Upcoming dates include:

Thursday, November 9, at the Bayoo in Manayunk, where the band is sponsored by Budweiser and the bar is serving \$1 Bud bottles and Wednesday, November 15, at Marita's which features the band and \$1.25 Miller Lites and \$2.00 Lynchburg Lemonades. Mmm, lynchburg lemonade.

So go see what everyone has been talking about. Go see Judi McLane.

Restaurant Review

By Jennifer Reimel

If you can't face another lunch in the law school cafeteria try Upper Krust Pizza located at 777 Lancaster Avenue right next to the Villanova Post Office. Upper Krust Pizza has been open for about six months and offers both traditional and gourmet pizza, huge salads and a variety of sandwiches. Upper Krust is a great alternative to traditional pizza places because of the exotic and low fat toppings available. In fact any pizza can be made with no fat mozzarella on request. The house pizza has garlic pesto sauce with broccoli, carrots, spinach and cauliflower; for those watching their weight the "Lancaster," pizza is a great choice because this cheeseless pizza is smothered with tomato sauce, garden vegetables and fresh basil. For those of you who can't get through the day without your red meat fix the cheesesteak pizza is just the thing for the hungry carnivore; this pizza includes rib eye steak, mozzarella cheese fried onions and white sauce. For something really different the Atlantis pizza is topped with lobster, crab and shrimp. Other pizza specialties include: Hawaiian, Cajun and stuffed pizzas.

On the lighter side Upper Krust offers large salads including Caesar with grilled chicken, a Turkey and Monterey Jack salad and an interesting oriental pasta salad. The specialty

sandwiches are another good choice. For the vegetarian a hoagie is offered with mushrooms, broccoli, carrots, bell peppers, cauliflower, onion and cheese. Or for the more adventurous the Turkey Santa Fe is made with turkey, roasted peppers, tomato, cucumber and red onion. Of course all the typical hoagies, cheesesteaks, burgers and deli sandwiches are available. Upper Krust is open Monday through Thursday 11:00 a.m. to 11:00 p.m. and Friday and Saturday 11:00 a.m. to 2:30 a.m. They accept Visa, Mastercard and MAC. Free delivery is available for those late nights during exams.

Alumni News

T. John Forkin; 1994: Has merged his corporate and Family practice with Magazzu & Speziali (Vineland, New Jersey). This merger includes the Forkin Law Office in Stone Harbor, which shall continue under the name of Magazzu & Speziali, P.C. Forkin is currently handling the Corporate, Real Estate, and Government work at the firm. Clients include Owens Corning, Celotex, and Minotola Bank. Forkin was also recently appointed Associate Solicitor for the City of Vineland and Counsel for Fairfield Township. In addition, Forkin is presently C.E.O. of Mimi's Inc., which owns and operates Mimi's Amore' Restaurant in Stone Harbor, New Jersey, along with other properties in the South Jersey area. While at Villanova Law, Forkin was active in the S.B.A., co-chaired the Environmental Law Society, was Symposium Chair for the Civil Rights Society, and was a member of the Rugby Club. Forkin is the son of Thomas S. Forkin ('62) and brother of Keith Forkin ('96). Forkin is also a member of the Reuschlein Fund and an active member of the Alumni.



T. John Forkin; 1994: Surfer, Lawyer (artist's conceptualization)

Forkin is also a former member of the National Surfing Team and was an Associate Editor for the Docket.



University of San Diego

**MASTER OF LAWS
IN
TAXATION**

**MASTER OF LAWS
IN
INTERNATIONAL LAW**

**MASTER OF LAWS
GENERAL**
(concentrations in Business,
Corporate, Environmental, and
Criminal Law)

For further information:
LL.M. Program
University of San Diego
School of Law
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4596

Classified:

Wanted: Law Student to do research for Zoning Litigation. (610) 296-0799

Congratulations to

**Joanne Judge
and
Bethany Spear**

**Quarterfinalists
in the John
Marshall Moot
Court
Competition.**

The Docket
Wishes to
Congratulate
the following
Reimel Moot
Court
Competition
Teams for
reaching the
"Sweet Sixteen"
round:

Bagshaw/Kelly
Cohen/Major
Collins/Gilbert
Slifkin/Miller
LaRatta/Arsenault
Lombardo/Risk
Reilly/Topiol
Mawby/Peterson
Leheney/Golden
Gallo/Noonan
Lopez/Mullen
Donaghy/Kubiak
Atkins/Quarles
Caruso/Dennen
Fischer/Witte
Macannich/Cooper

**Good Luck in
the upcoming
rounds!**

WEST BAR REVIEW

An Affiliate of WEST Publishing Company

**Register with WEST Bar Review by Nov. 3, 1995
and receive the following:**

- ♦ *Up to a \$500 savings on your WEST Bar Review Course (WEST Bar Review Prices are approximately \$200 less than other bar review course prices for Pennsylvania and New Jersey).*
- ♦ *Seven weeks of Multistate and State instruction taught by some of the nation's most experience bar review lecturers.*
- ♦ *WEST WEEKtm: An intensive seven day supplemental multistate review program.*
- ♦ *Weekly State Essay Writing Workshops and In-Class Multistate Testing Workshops.*
- ♦ *Plus, WESTWAREtm: An interactive multistate computer software package.*

**Contact one of your student representatives or call your
local WEST Bar Review Staff Attorney.**

Discounted Course Prices*:
PA- \$975 NJ-\$675 PA/NJ-\$1025

*Deposits given to other bar review courses will be deducted from any
WEST Bar Review Course Price.*

* Prices do not include the \$75 refundable book deposit.



1-800-811-5073